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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MAHAFKEY, KELLY JO	
ART UNIT	**PAPER NUMBER**
1761	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/805,927	JANECKA, DANNY	
	Examiner	Art Unit	
	Kelly Mahafkey	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 22 March 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 10/15/04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Specification

1. The disclosure is objected to because of the following informalities: Figure 4, Step G fails to show the "food product removed and cooled" as described in the specification (Paragraph [0035] lines 8 and 9). Figure 4, Step G describes "serve [the food product] heated from the roller grill". Applicant is suggested to change the specification (Paragraph [0035] lines 8 and 9) to "serve [the food product] heated from the roller grill".

2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

4. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 11 recites the limitation "wrapping... outer surface of sausage" in lines 1-4. There is insufficient antecedent basis for this limitation in the claim. Examiner will treat the claim as reciting: "wrapping... a food core" since "sausage" appears as a dependant claim.

7. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The term "golden brown" in claim 13 is a relative term that renders the claim indefinite. The term "golden brown" is not defined by the claim, the

specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The definition of golden brown is a subjective color description that could be defined differently by every individual viewing the product. For the purpose of examination, the examiner will address a golden brown color as attained from cooking, in reference to the cooking time and temperature, and further as the time and temperature as desired by the consumer.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Determining the scope and contents of the prior art.
Ascertaining the differences between the prior art and the claims at issue.
Resolving the level of ordinary skill in the pertinent art.
Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 1, 2, 4-6, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (US 6245374) and in view of Schmit et al. (US 4551337).

13. Regarding claims 1, 2, 4, 5, 13, and 14 Thomas et al. ("Thomas") disclose of a method for preparing food products such as tortilla shells (having an inner

and outer face) rolled or wrapped around the food core, (with the food core adjacent to the inner face of the tortilla shell) substantially enclosing the food items for various product combinations such as tacos, quesadillas, flautas, burritos (bean product tortillas), enchiladas, egg product tortillas, samosas, and the like (Column 1 lines 47-56). Flautas, burritos, and enchiladas are conventionally wrapped. After a plasticizer treatment, Thomas teaches of cooking the product (Column 3, lines 62-66) by immersion in oil heated to 330-360 F (Column 6 lines 40-43) at a frying time to retain sufficient moisture for desired flexibility, tenderness, and texture, and then removing the wrap and allowing it to cool (Column 6 lines 60-63). Flautas are conventionally cooked to be varying shades of brown, including golden brown, depending on the consumer preference.

14. The difference between the reference and the claims is that the reference is silent to wrapping a perforated (cylindrical or slotted perforations) tortilla shell around a food core and rolling a cutter quill across the tortilla shell.

15. Schmit teach an old art to prevent delamination and swelling when the tortilla shell or dough is heated; perforations or small plugs (cylindrical or slotted) are removed (by rolling a quill cutter across the dough) from the dough before it is cooked. Refer specifically to Abstract lines 1-5, Column 1 lines 16-18, 35-39, 52-54, Figure 3, and Figure 5 Items S, 12, 45, 50, 51, and 75 in Figures 5, 6, and 8.

16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of cooking rolled food

products taught by Thomas to include cylindrical or slotted perforations (created by rolling a quill cutter) in the dough. One would have been motivated to do so in order to take advantage of the benefits of perforations, which include the "prevention of delamination" (Column 1, lines 36-37 Schmit and as disclosed by applicant in specifications), a more uniform crust (Column 1, lines 52-54), and the prevention of "ballooning" to the dough (Column 1, lines 16-18) as taught by Schmit. Because both references deal with the method of preparing dough before cooking, one would have a reasonable expectation of success from the combination.

17. Regarding claim 6, Thomas discloses if the tortilla shells do not include "typical dough ingredients such as plasticizers" to prevent hardening (Column 3 lines 30-33) and make the tortilla shells flexible, a method of solution in which the dough or tortilla shell is treated (by misting) with a plasticizer, such as water (Column 2 lines 3-8, Column 3 lines 41-43, and Column 4 lines 37-41) before it is wrapped around a food core. Various amounts of plasticizers, such as cooking oil, can be added to the dough or tortilla shells, depending on the amount of flexibility desired in the end product. Refer specifically to Column 1 line 67, Column 2 lines 1-2, 17-30.

18. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the process of cooking tortilla shells rolled around food cores to include a plasticizer, such as water, within the dough and/or coated (by misting) onto the dough. One would have been motivated to do so in order to take advantage of the benefits of the plasticizing agent, which include "a

flour-based food composition which remains pliable, flexible and supple," a desirable end consumer product (Column 1 lines 11-12 and lines 39-41) taught by Thomas. Because both processes deal with the problem of hardening dough, and both have been disclosed to have success (by the addition of plasticizers) in resolving the problem, one would have an reasonable expectation of success from either solution, and an extraordinary expectation of success from the combination of both solutions.

19. Claims 3, 9, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 6245374) and Schmit et al. (US 4551337) as applied to claims 1, 2, 4-6, 13, and 14 above and in further view of Kafentzis et al. (US 6756068).

20. Thomas teaches of incorporating plasticizing agents, such as cooking oil, into the tortilla shells which can be used for wrapping egg or bean products; regarding the cooking (on a roller grill) of a frozen dough or tortilla shell rolled around a food core, and removing and cooling the wrap after cooking, Kafentzis et al. ("Kafentzis") disclose of a method from a roller-type grilling machine for the preparation of wrapped food products such as food products such as hot dogs in a dough or tortilla shell, burritos, or other sausage-type products that can be rolled in tortilla shells. Refer specifically to Abstract lines 1-2, Column 1 lines 1-15 and 48-50, and Column 3 lines 21-25. Kafentzis et al. teaches of a frozen food item, such as a wrap, thawed, rotated at an appropriate temperature on the roller grill for a sufficient time to warm the product while maintaining moisture and

pliability, and then removed from the roller grill and allowed to cool (Figure 2, Column 1 lines 24-29 and 39-41, and Column 2 lines 53-59).

21. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of cooking wrapped food core taught by Thomas to include the cooking (on a roller grill) of a frozen dough or tortilla shell wrapped around a food core, removing, and cooling the wrap after cooking as taught by Kafentzis. One would have been motivated to do so in order to take advantage of the benefits of cooking on a frozen wrap on roller grill, which include improved storage characteristics (Column 2 lines 47-49), such as, "the storage life of the food product is increased from minutes to hours" for frozen food products (Column 2 lines 47-59) as taught by Kafentzis. Because both references deal with dough wrapped around a food core, one would have a reasonable expectation of success from the combination.

22. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 6245374) and Schmit et al. (US 4551337) as applied to claims 1, 2, 4-6, 13, and 14 above and in further view of Shewey (US 3329511).

23. Regarding the boxing of the wrapped food core, Shewey disclose an invention relating to the preparation of a food product, specifically a meat product wrapped in dough or tortilla like product (Column 1 lines 9-16, Figures 1-3). Shewey teaches that the food product is to be packaged (in a case for the storage and handling of a multiplicity of wrapped food products) and frozen for

eventual cooking in the home and in institutional environments. Refer specifically to Column 1 lines 9-16 and 57-59, Figure 4, and Column 3 lines 8-19.

24. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of cooking wrapped food cores taught by Thomas to include the process of freezing and packaging the food item for future warming or cooking in view of Shewey. One would have been motivated to do so in order to take advantage of the benefits of packaging and freezing which include improved storage and handling for a multiplicity of food products, such as, "reduced storage space" and a "product ideally suited to... general all around home and institutional cooking..." (Column 3, lines 8-19) as taught by Shewey. Because both references deal with a food core wrapped in a dough or tortilla, one would have a reasonable expectation of success from the combination.

25. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 6245374) and Schmit et al. (US 4551337) as applied to claims 1, 2, 4-6, 13, and 14 above and in further view of Bernal (US 4491601).

26. Regarding claim 11, Bernal teaches that a tortilla should be closely wrapped around a food product such that the inner face of the tortilla shell is flush against an outer surface of the food product (such as sausage) and a portion of the inner face of the tortilla shell is flush against a portion of the outer face of the tortilla shell. Refer specifically to Figure 1, Figure 2, Figure 7, Figure 8, Figure 9, Column 2, lines 40-65, Claim 1, and Claim 9.

27. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of cooking wrapped food cores taught by Thomas to include the tightening of the tortilla shell around the food core in view of Bernal. One would have been motivated to do so in order to take advantage of the benefits of a tightly wrapped product, such as the food product completely enclosed by portions of the tortilla when being cooked and as being eaten (Column 2 lines 63-65), therefore keeping the consumer from creating a mess (with the tortilla shell unfolding), dropping the food item (if the tortilla shell becomes unfolded) and with a snack that can be easily eaten on the go as taught by Bernal. Because both references deal with a food core wrapped in a dough or tortilla, one would have a reasonable expectation of success from the combination.

28. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 6245374) and Schmit et al. (US 4551337) as applied to claims 1, 2, 4-6, 13, and 14 above and in further view of Becher at al. (US 4609555).

29. Regarding claim 12, Becher et al. ("Becher") discloses of coating the inside surface of a dough, such as a tortilla shell, with flavoring before baking. Refer specifically to Abstract lines 1-2 and 12-17.

30. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of cooking wrapped food cores taught by Thomas to include the coating of the inside face of the tortilla shell with flavoring in view of Becher. One would have been motivated to

do so in order to take advantage of the benefits of coating a flavoring on the inside surface of the unbaked dough for the purpose of providing "consumers desired flavor and texture" (Column 1, lines 27-28), avoiding burning or loss of flavorings, (flavorings "are highly susceptible to burning if they are subjected to the baking process" Column 1 lines 38-40) and preventing flavoring particles from "becoming separated from the product during handling" (Column 1 lines 48-50) as taught by Becher. Because both references deal with baked dough products or tortilla shells, one would have a reasonable expectation of success from the combination.

31. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 6245374) and Schmit et al. (US 4551337) as applied to claims 1, 2, 4-6, 13, and 14 above and in further view of Willard et al. (US 4889737).

32. Regarding claim 15, Willard et al. ("Willard") discloses of perforating a fried dough piece or tortilla shell, in a "random pattern, which varies uniquely from piece to piece" (Column 43 lines 21-23).

33. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of cooking a baked dough product or tortilla shell as taught by Thomas to include the random perforating of the tortilla shell before frying in view of Willard.

34. One would have been motivated to do so in order to take advantage of the benefits of random perforations, such as "the natural appearance" of the dough that remains when the perforations are random as taught by Willard (Column 29

lines 8-10). Because both references deal with the perforating of baked dough products or tortilla shells before frying, one would have a reasonable expectation of success from the combination.

Double Patenting

35. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

36. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

37. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

38. Claims 1-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, and 5 of copending Application No. US 2004/0005387 A1 in view of Thomas and Willard and Schmit and Bernal and Becher. Both applications claim a method of making or preparing a tortilla shell wrapped around a food core, including a bean product, egg product, or sausage link in a tortilla shell. Both applications claim an inner and outer (or first and second surface), coating of a surface prior to wrapping, warming of the wrap on a roller grill, the boxing of the wrap, and the freezing the wrap for later cooking or warming.

39. Application '387 does not claim of perforation (random, cylindrical or slotted perforations) of the tortilla shell by rolling a cutter quill across the tortilla shell, the application of water as a plasticizing layer on the tortilla shell before wrapping the food core, the cooking step including deep frying the wrap in an oil heated to a temperature of 300-500 F until the wrap is golden brown, tightening of the wrap, coating of the inside of the tortilla shell surface with flavoring, and the tortilla shell or dough consisting of cooking oil when it is subjected to the cooking step.

40. Regarding the perforation (cylindrical or slotted perforations) of the tortilla shell by rolling a cutter quill across the tortilla shell Schmit teach an old art to prevent delamination and swelling when the tortilla shell or dough is heated; perforations or small plugs (cylindrical or slotted) are removed (by rolling a quill cutter across the dough) from the dough before it is cooked. Refer specifically to

Abstract lines 1-5, Column 1 lines 16-18, 35-39, 52-54, Figure 3, and Figure 5 Items S, 12, 45, 50, 51, and 75 in Figures 5, 6, and 8.

41. Regarding random perforations in the precooked dough, Willard discloses of perforating a fried dough piece or tortilla shell, in a "random pattern, which varies uniquely from piece to piece" (Column 43 lines 21-23).

42. Regarding the cooking step including deep frying the wrap in a oil heated to a temperature of 300-500 F until the wrap is golden brown Thomas disclose of a method for preparing food products wrapped around the food core. After a plasticizer treatment, Thomas teaches of cooking the product (Column 3, lines 62-66) by immersion in oil heated to 330-360 F (Column 6 lines 40-43) at a frying time to retain sufficient moisture for desired flexibility, tenderness, and texture, and then removing the wrap and allowing it to cool (Column 6 lines 60-63). Flautas are conventionally cooked to be varying shades of brown, including golden brown, depending on the consumer preference.

43. Regarding the application of water as a plasticizing layer on the tortilla shell before wrapping the food core and the tortilla shell or dough containing cooking oil when it is subjected to the cooking step. Thomas discloses if the tortilla shells do not include "typical dough ingredients such as plasticizers" to prevent hardening (Column 3 lines 30-33) and make the tortilla shells flexible, a method of solution in which the dough or tortilla shell is treated (by misting) with a plasticizer, such as water (Column 2 lines 3-8, Column 3 lines 41-43, and Column 4 lines 37-41) before it is wrapped around a food core. Various amounts of plasticizers, such as cooking oil, can be added to the dough or tortilla shells,

depending on the amount of flexibility desired in the end product. Refer specifically to Column 1 line 67, Column 2 lines 1-2, 17-30.

44. Regarding coating the inside of the tortilla shell surface with flavoring Becher disclose of coating the inside surface of a dough, such as a tortilla shell, with flavoring before baking. Refer specifically to Abstract lines 1-2 and 12-17.

45. Regarding the tightening of the tortilla wrap Bernal teaches that a tortilla should be closely wrapped around a food product such that the inner face of the tortilla shell is flush against an outer surface of the food product (such as sausage) and a portion of the inner face of the tortilla shell is flush against a portion of the outer face of the tortilla shell. Refer specifically to Figure 1, Figure 2, Figure 7, Figure 8, Figure 9, Column 2, lines 40-65, Claim 1, and Claim 9.

46. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of cooking rolled food products taught by Application '387 to include random perforations in the dough as taught by Willard, cylindrical or slotted perforations (created by rolling a quill cutter) in the dough as taught by Schmit, the process of cooking tortilla shells rolled around food cores to include a plasticizer, such as water, within the dough and/or coated (by misting) onto the dough as taught by Thomas, cooking by frying (in oil heated to 300-500 F) until the tortilla shell is a golden brown as taught by Thomas, the coating of the inside face of the tortilla shell with flavoring as taught by Becher, and the tightening of the tortilla shell around the food core as taught by Bernal. One would have been motivated to do so in order to take advantage of the benefits of perforations, which include the "prevention of

delamination" (Column 1, lines 36-37), a more uniform crust (Column 1, lines 52-54), the prevention of "ballooning" to the dough (Column 1, lines 16-18) as taught by Schmit; the benefits of random perforations, such as "the natural appearance" of the dough that remains when the perforations are random as taught by Willard (Column 29 lines 8-10); the benefits of the plasticizing agent, which include "a flour-based food composition which remains pliable, flexible and supple," a desirable end consumer product (Column 1 lines 11-12 and lines 39-41) taught by Thomas; the benefits of coating a flavoring on the inside surface of the unbaked dough for the purpose of providing "consumers desired flavor and texture" (Column 1, lines 27-28), avoiding burning or loss of flavorings, (flavorings "are highly susceptible to burning if they are subjected to the baking process" Column 1 lines 38-40) and preventing flavoring particles from "becoming separated from the product during handling" (Column 1 lines 48-50) as taught by Becher; the benefits of a tightly wrapped product, such as the food product completely enclosed by portions of the tortilla when being cooked and as being eaten (Column 2 lines 63-65), therefore keeping the consumer from creating a mess (with the tortilla shell unfolding), dropping the food item (if the tortilla shell becomes unfolded) and with a snack that can be easily eaten on the go as taught by Bernal; the benefits of frying a wrapped food product in oil heated to 330-360 F for a desired time as demanded by the consumer need for flexibility and suppleness, as taught by Thomas (Column 6 lines 40-43, 60-63). Because references deal with the method of preparing dough for cooking, one would have a reasonable expectation of success from the combination.

47. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

48. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

49. US4735811 disclose improved flexibility of a tortilla when plasticizing agents are added to the dough.

50. US5928692 disclose the application of edible food films, such as vegetable oil.

51. US3930049 disclose of a process for forming a packaged (in a moisture proof container), fried, shelf-stable, flexible tortilla.

52. US6165522 teaches the advantage of a wrapped product.

53. US4957754 disclose an edible container with coating layers on the surface.

54. US2604842 disclose of a roller grill which provides even, all-around heating. Such device is less complex, less costly, and has a lower level of maintenance then conventional cooking apparatus.

55. US3930049 discloses of frying dough in cooking oil and the percentage of a plasticizing agent to be incorporated in dough before frying.

56. US6537599 disclose the application of dockering dough.

57. US3883671 discloses of the spraying, dipping, and immersion of dough in plasticizing agents.

58. US4055670 discloses of casing specific for transporting wrapped tortillas.

59. US4241106 discloses of the process of creating a tortilla wrap.

60. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Mahafkey whose telephone number is (571) 272-2739. The examiner can normally be reached on Monday through Friday 8am-4:30pm.

61. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

62. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kelly Mahafkey
AU 1761

9/1/05

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